

FULL TEXT OF MEASURE A-11

RESOLUTION NO. 10264 (2011 Series)

**A RESOLUTION OF THE CITY OF SAN LUIS OBISPO ORDERING THE
SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A PROPOSED
CHARTER AMENDMENT AT AN ALL MAILED BALLOT SPECIAL MUNICIPAL
ELECTION TO BE HELD ON TUESDAY, AUGUST 30, 2011 AS CALLED
BY RESOLUTION NO. 10263 (2011 SERIES)**

WHEREAS, a Special All Mailed Ballot Municipal Election has been called on Tuesday, August 30, 2011 by Resolution No. 10263 (2011 series), adopted on May 17, 2011; and

WHEREAS, the City Council has the authority to submit a Charter amendment to the electorate pursuant to the authority of Article XI of the Constitution, Title 4, Division 2, Chapter 3 of the Government Code, Division 9, Chapter 3, Article 3 (commencing at section 9255) of the Elections Code of the State of California, City Charter Sections 301 and 303, and Ordinance Number 1559 (2011 Series); and

WHEREAS, the City Council finds and declares that it is in the best interest of the City, consistent with principles of sound management and fiscal responsibility, and to the fullest extent permitted by State law, to vest in the duly elected City Council final decision making authority over management of the City's contracts with the Board of Administration of the California Public Employees Retirement System; and

WHEREAS, Charter Section 1105 (Retirement) currently provides as follows:

The City Council shall be authorized to enter into a contract with the Board of Administration of the Public Employees' Retirement System of California that shall include all employees of the City of San Luis Obispo. Should the contract at any time be broadened, the City Council may have the contract amended to provide the improved coverage.

The Council may terminate the contract or negotiate another contract with reduced employee coverage with the Board of Administration of the Public Employees' Retirement System only upon authority approved by a majority vote of the electorate.

WHEREAS, the City Council of the City of San Luis Obispo desires to submit to the voters a proposed amendment of Section 1105 to eliminate the Charter requirement for voter approval to terminate the City's contract with the California Public Employees' Retirement System or to negotiate another contract to provide reduced employee retirement benefits, but expressly to state that the City Council retains the authority to enter into contracts with CalPERS and remains subject to other applicable state laws and CalPERS rules with regard to any actions to amend, terminate or negotiate other contracts.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1: The City Council of the City of San Luis Obispo hereby proposes on its own motion that an amendment of Section 1105 of the Charter of the City of San Luis

Obispo be submitted to the voters at the All Mailed Ballot Special Municipal Election on August 30, 2011, to read as follows:

The City Council shall be authorized to enter into a contract with the Board of Administration of the Public Employees' Retirement System of California that shall include all employees of the City of San Luis Obispo. The City Council may terminate or amend its contract or negotiate another contract to provide improved or reduced employee benefits only in accordance with state law and as permitted by the Board of Administration of the Public Employees' Retirement System.

SECTION 2: That the City Council, pursuant to its right and authority, does order submitted to the voters at the All Mailed Ballot Special Municipal Election to be held on Tuesday, August 30, 2011, the following question:

Shall Section 1105 (Retirement) of the San Luis Obispo Charter, which authorizes the City Council to enter into a contract with the Board of Administration of the Public Employees' Retirement System (PERS), be amended to provide that the City Council may terminate or amend its contract or negotiate another contract to provide improved or reduced employee benefits only in accordance with state law and as permitted by the Board of Administration of PERS?	Yes
	No

SECTION 3. That the City Council authorizes any and all members of the City Council to file written arguments in favor of the measure in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the measure may be submitted to the City Clerk.

SECTION 4. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 5. That in all particulars not recited in this Resolution or Ordinance Number 1559 (2011 Series), the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution.

SECTION 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the San Luis Obispo County Board of Supervisors and Clerk-Recorder.

Upon motion of Council Member Carter, seconded by Council Member Carpenter, and on the following vote:

AYES: Council Members Carpenter, Carter and Smith, Vice Mayor Ashbaugh and Mayor Marx

NOES: None

ABSENT: None

The foregoing resolution was adopted this 17th day of May 2011.